HIGH COURT OF CHHATTISGARH AT BILASPUR

Division Bench

Coram : **Hon'ble Shri Jagdish Bhalla, Ag. C.J. and**
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Writ Petition No.7212 of 2006

Petitioner Dashmesh Construction Company A-5, P.W.D. Contractor, Near Bus Stand, Pathalgaon, District –Jashpur (CG)

versus

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Public Works, D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
2. Chief Engineer, Department of Public Works, P.O. Ambikapur, District-Sarguja (CG)
3. Superintending Engineer, Public Works Department, P.O. Ambikapur, District-Sarguja (CG)
4. Executive Engineer, Public Works Department, District-Jashpur (CG)

Petition under Article 226/227 of the Constitution of India for issuance of appropriate writs of mandamus and certiorari and for other suitable writs and directions

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Present : Shri Prashant Mishra, Counsel for the petitioner.
Shri N.K.Agrawal, Deputy Advocate General for the State.

ORAL ORDER

(Passed on 12th July, 2007)

The following oral order of the Court was passed by **Jagdish Bhalla, Acting C.J.**

By this writ petition, the petitioner has challenged the tender notice dated 7.11.2006 by virtue of which tenders were called afresh.

According to the petitioner, he was granted a contract and after entering into a written agreement between the parties, he started performing

his work. However, during the course of the work, the petitioner's contract was rescinded, though learned counsel is not aware of the date on which contract was rescinded. After that the petitioner was not allowed to work and finally by impugned tender notice dated 13.11.2006 fresh tenders were called. From the perusal of relief clause, the petitioner had in fact challenged the quashing of the impugned notice dated 7.11.2006 calling for fresh tenders and subsequent action of the respondents in pursuance of the calling for the tenders.

We have been informed that in the light of the above, tenders have already been accepted. Therefore, the petitioner seeks liberty to file fresh writ petition for challenging the new contract awarded to some other contractor.

Accordingly, the writ petition is dismissed as infructuous with liberty to file a fresh petition against the award of tender and its accepted.

Sd/-
Acting Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge